

TOMBSTONE EPITAPH.

PUBLISHED EVERY SUNDAY BY S. C. BAGO

Tombstone, Cochise County, Arizona.

ENTERED IN THE POST OFFICE AS SECOND-CLASS MATTER.

LOCAL HAPPENINGS

From Friday's Daily.

Apaches are raiding through the Black Range, New Mexico.

J. S. Robbins and wife are back at their beautiful home in Ash Canyon.

Co. G are improving rapidly in their military drill and are taking a great interest in becoming proficient.

Miss Will Sneed and Stephen Aguirre were joined in marriage yesterday at the ranch of E. J. Roberts.

There is plenty of money in the interest fund of the city to pay the interest on the city hall bonds twice over.

The J. Dewing Co. book publishers and dealers in notions have failed and offer to settle for fifty cents on the dollar.

Specimens of tin which were found in San Diego county have been assayed in London and found to be 46 per cent pure.

The surveying party that has been locating the new road bed above high water mark east of Yuma have moved their camp to Dragoon Summit.

United States officers have seized Lanz's distillery and store at Calistoga valued at \$25,000 for using stamped heads of used barrels in new barrels.

The name of Miss Edith Stowe was unintentionally left out of the list of those belonging to the Dramatic club in last night's issue of the Prospector.

In mentioning the Hutchinson-Sanderson nuptials in last evening's Prospector, a typographical error made it appear that M. D. Scribner acted as bridegroom. In justice to Mr. Scribner, we hasten to correct the statement. We would not for a moment have any one believe that he is out of the market.

Florence Mauk, daughter of Chas. Mauk who was well-known in Tombstone for many years, and Mr. Gordon, telegraph operator at Aztec on the S. P. road, were married at Phoenix last Sunday.

Shipments of antimony and manganese ores have recently been made to Liverpool and Hamburg. The antimony was from Lower California and the latter from Sonora.

The San Diegoan predicts that many new enterprises will follow the beginning of work on the Peninsular railroad. An iron works, smelters etc. are said to be among the industries soon to be established in San Diego.

Mr. J. D. Devine who for the past few months has been the manager of Peto's drug store, left today for Los Angeles. He made many friends in Tombstone during his short residence.

After July 1st the Harqua Hala mail will leave Palomas twice a week instead of Sentinel station as is now done. Palomas is a thriving settlement on the Gila river, which fortunately has daily mail service with Aztec on the Southern Pacific.—Times.

The fourth trial of L. A. Powell, the dentist who killed Editor Smith at Redwood City, commenced Monday before a jury which had been obtained after an examination of 250 talesmen.

Work on the Mexican Northern Pacific has been partially suspended the last few days, owing to the rulings of the officer in charge of the custom house, who will not permit supplies to cross the line without paying full duty.

United States Inspector Dean is in possession of information that there are now 25,000 head of cattle on the Cherokee strip, whence the cattlemen were expelled last fall, also 15,000 head held on the south bank of the Canadian river waiting for lower water.

THE question has been raised whether the acts of the city council of Tombstone during the space of time in which the appointees of Governor Wolfley held office are not void.

LAND grant claims are already before the general land office for settlement, embracing 9,349,000 acres of land, divided as follows: Arizona, fifteen claims, covering 414,833 acres. New Mexico, one hundred and seven claims, covering 8,735,785 acres; Colorado eight claims, covering 229,814.

THE act which created the 4th judicial district for Arizona empowered the judges to map out the districts and assign themselves to these subdivisions as seemed to them to be proper. They did so and the legislature did not take the opportunity to change the districts as the law empowers them to do. Would it not be proper for the judges to meet again and re-district with some idea of convenience for the people instead of consulting their own pleasure. They must have received sufficient proofs by this time of the unpopularity of the present arrangement. Now remedy it. It is never too late to mend and it often happens that a stitch in time saves nine.

A special to the Globe Democrat from Santa Fe says that "a number of bands of hostile Apaches have been hovering around the border between Arizona and New Mexico and threatening the settlers." Much alarm is felt and the Indians are daily becoming bolder. Militia companies have been organized, and at the first intimation from the Indians that they mean trouble another war will be commenced that will drive them out of the territory or will result in their extermination. New Mexico ought to have a ranger law such as Arizona has.

City Council.

At a regular meeting held last night a full board was present.

Mr. Engle appeared before the council and asked the council to reduce his license on his stage to Bisbee from \$5. Referred to license committee.

The bills of Julius Caesar for feeding prisoners \$4 and Prospector bill of \$63.50 were favorably reported and warrants ordered drawn for same.

The following bills were presented and referred to the finance committee: E. Gres, paper for engine house, \$6.40; S. L. Hart, keys, 1.75; C. H. & T. Co., oil, 2.00; T. A. Atchison, repairs, 7.50; A. H. Emanuel, min. book, 12.00; A. H. Emanuel, cost in execution, 13.50; Nat Hawke, water, 4.00; Huachuca Water Co., 14.00; B. Whiston, paper hanging, 1.00.

The tax collector was instructed to place the valuation of \$75 on the property of John Rock.

The committee on water reported that valve plugs had been placed at the corner of Tenthnut and 2nd, 3rd and Fremont and 2nd and Bruce.

Committee on buildings were given further time to report.

A communication received from Don Sanford asking if his interest would be ready on July 1st was accepted and filed.

The ordinance amending the gambling ordinance was laid on the table.

A resolution by Prinderville was adopted ordering the interest paid on the city hall bonds up to July 1st. Adjourned.

A piece of onyx weighing about 60 tons was cut out of the Big Bug onyx claim recently. It is 20 feet long by 6 feet wide and 5 feet thick. This is without doubt the largest piece of onyx ever taken out of any mine in the world. There seems to be scarcely any limit to the size of the blocks that the Big Bug mines are capable of yielding.—Journal Miner.

In the case of the Walla Walla lynchings, Monday, the judge announced that he was ready to render a decision upon a motion made by the defense to set aside the indictment. He then read his opinion sustaining the motion of the defendants. The prosecuting attorney immediately filed information against the soldiers, charging them with the killing of Hunt.

VOID.

The Governor has No Power to Appoint City Officers.

An Opinion of the Attorney-General Which is Interesting.

Attorney-General Herring and Ex Attorney-General Clark Churchill do not agree upon the question of right of a governor to appoint city officers under any emergency. Sam Purdy, of Yuma having written a letter of inquiry to Attorney-General Herring asking his opinion upon the legality of the recent act of Governor Irwin in appointing a mayor and two councilmen for Yuma, Col. Herring replied as follows:

TOMBSTONE, A. T. June 14, '91.

SAMUEL PURDY, Esq., Dear Sir:—Replying to yours of June 12th, in relation to the power of the Governor to appoint local officers of the village of Yuma, I have given the question a very full and careful investigation and am clearly of the opinion that the statutes of this territory do not confer on the Governor any power to appoint such officers.

It is true that Governor Wolfley assumed to exercise such a power in relation to certain offices in the city of Tombstone.

His acts in such respect were unauthorized and void. The people have ever deemed it best to acquiesce until they could procure legislative relief.

It is an old common law rule in relation to corporate elections that an election may be held after Charter Day.

You refer to the fact that there is not a legal majority to call an election to fill vacancies. This disability cannot deprive the people of the right to have their corporate government carried on. The right of the persons constituting the corporation to have the vacancies filled exists and where a corporate right exists, and a corporate duty is devolved, if the legislature has made no express provision for the enforcement of such right, or the performance of such duty, under existing conditions, then the rule is that the corporation may adopt the most perfect means yet in their power, and as far as practicable in harmony with the provision of their charter, to maintain and perpetuate their corporate existence.

My view is that the functions of the village incorporation which have remained dormant and which are now suspended for want of the means of acting, may still be restored by an election, and I suggest that you proceed by mandamus against the two remaining councilmen to compel them to call a village election to fill existing vacancies. The reply to the alternative writ will probably be and should be that they do not constitute a legal majority for such purpose and that no such majority exists to perform such function. It will then at once become the duty of the court to direct that the peremptory writ issue. This writ should be very carefully prepared, and it should be provided that the officers to be elected should hold their offices until the next election to fill such offices and until their successors are elected and shall have duly qualified.

I have thus endeavored to answer your letter as fully as my time will permit, although, as you will perceive by reference to the Revised Statutes that no official duty is enjoined upon me to advise in relation to matters pertaining to Municipal Government.

I am satisfied that by raising the questions by mandamus you will get a prompt and satisfactory solution of your legal puzzle.

Yours very Truly,

WILLIAM HERRING,

Atty-General.

Sheriff Kelton has returned from Yuma where he has been with the prisoners recently sentenced to the penitentiary. In company with Deputy Gray of Benson he landed them safely within the walls.

Official Count.

The Secretary of the territory has made public the official list of delegates to the constitutional convention. The list is published by the Herald and is as follows:

Republicans:—William Herring and George W. Cheyney of Cochise; W. A. Hart of Pima; ex-Governor F. A. Tritle of Yavapai county and Thomas Davis of Pinal. Total 5.

Democrats:—H. N. Alexander, M. H. Williams and T. C. Jordan of Maricopa; W. H. Barnes and Frank H. Hereford of Pima; Mark Smith of Coconino; W. A. Rowe and J. F. Wilson, Yavapai; J. W. Anderson of Pinal; A. N. Patterson and Ben M. Crawford of Graham; Foster S. Dennis of Mohave; Alonzo Bailey of Gila; Thomas Gates of Yuma; S. G. Norris of Coconino; John Hunt and Art McDonald of Apache. Total 17.

CHICAGO—An abnormally wide spread rain has made life burdensome today to thousands of railroad men and telegraphers. Advances from points stretching in a line between Kansas City and to a long distance north and south tell in unvarying succession of the dangerously slippery rails and sodden wires. In many places rains have been in progress since last night with no indication of cessation.

LOS ANGELES—A three-masted American schooner, the Lena Swasey, Captain Birkholm, arrived at San Pedro harbor yesterday from Tahiti, one of the Sandwich Islands, laden with orange trees, oranges and coconuts for Messers Bros. of Pomona.

The Swasey also had as passengers three native Tahitians, and carried several sacks of mail. On her manifest were several bags of orange seed and three packages of white coral.

The Swasey came into the wharves and commenced discharging cargo today.

SAN FRANCISCO—Up to a late hour last night none of the government vessels which had been ordered to Behring sea had left port, owing it is said, to orders having been received from Washington, countermanding the previous ones. The Corwin was to have left at 4 o'clock in the morning, the Thetis at 8 and the Mohican to follow before sundown.

ALLENSBURG, Wash.—In broad daylight yesterday afternoon the Wenatchy stage was held up by masked highwaymen 25 miles from here. The robbers made the driver throw out the United States mail bags. The sheriff and posse are in pursuit.

KANSAS CITY—The Inter-State Commerce Commission arrived here today and will tomorrow hold an informal session to hear complaints against the railroads by shippers. Two cases will be heard, that of discrimination against Wichita in favor of Kansas City on shipments of live stock, and that of unjustly high rates on shipments of salt from Kansas salt mines.

The El Paso Herald says: We understand that the International Smelting company is about perfecting arrangements upon a large scale to resume operations. Parties in New York and Chicago are becoming interested with some of the leading men of El Paso to put the smelter upon a firm financial basis. Negotiations have been delayed on account of the sudden death of Mr. Hoadley in New York, president of the large banking firm in that city.

The Philadelphia Times says that the word "Arizona" is a contraction of the word "narizona" or big nose. In years gone by a tribe of Indians inhabited a portion of this country who were remarkable for their big noses, the cartilages of which they pierced with a ring of bone. The Spanish called them narizones, the feminine of which is narizona, and in years of use the "n" was dropped which left it plain Arizona.

BY WIRE.

SPECIAL DISPATCHES TO PROSPECTOR

NEW YORK—The executive committee of the Western Silver Association met at the Hoffman house to discuss free coinage. All the members of the committee are here except the chairman, General Warner who is expected to arrive in the morning.

VIENNA—The Reichsrath Count Von Taaffe, the Austrian Premier declared that the ministry of foreign affairs had made a careful inquiry into the alleged maltreatment of Austrian subjects in Virginia, United States, and that the investigations showed that no foreign workman had been subject to ill treatment as claimed in the state.

ROME—The statement of the Fanfulla is confirmed that Signor Corre, the late Italian consul now at New Orleans, has prepared a report on the lynching affair in that city in which he affirms that the victims belonged to no particular society but were murdered simply because they were Italians and were competing with the native laborers. This report is not included in any of the green books published on the affair.

WASHINGTON—Official mails from Chili received here bring exciting news from that republic. The house of deputies has passed a bill authorizing the president to levy a forced loan of \$20,000,000 to carry on the war. The measure has not yet passed the senate however.

WALLA WALLA—The trial of the seven soldiers charged with the killing of A. J. Hunt April 24th, began in the superior court yesterday. Six of the soldiers will be tried together.

Pat McMedamin has been granted a separate trial. The jury was secured in the afternoon and the trial of the six men commenced.

WASHINGTON.—In accordance with the findings of the court of inquiry in the case of the lynching of Hunt by United States troops at Fort Walla Walla Washington, Secretary Proctor this morning ordered a court martial to try Colonel Chas Chompton, fourth cavalry for negligence in failing to take proper steps to prevent the lynching. The court will meet July 1st next.

NEW YORK—Haytian Consul Price said today that there was not the slightest foundation for the statement that President Hippolyte had been shot. That he had received a mail from Port au Prince of a latter date than the time of the alleged shooting and that his advices indicated that everything was tranquil down there and business affairs being transacted as usual. "Were Hippolyte shot," said Mr. Price, "many merchants in this city would have been notified of the event by cable ere this."

Bucklen's Arnica Salve.

THE BEST SALVE in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by J. Young.

A Santa Fe dispatch says: It will probably be some time before the Atchison, Topeka and Santa Fe will put on its proposed dining car service. The new cars are backed up at Fort Union, Iowa. The Pullman company claims that the infringe upon their patent, and it is said, have enjoined the Santa Fe from utilizing them. Fred Harvey is in the background, and after the Pullmans get through fighting the road he will step in and object to the inauguration of the service, on the ground that his franchise for running the Atchison, Topeka dining stations is in force and has yet four years to run.

Some merchants get the best they can; some get the meanest they can.

Your dealer in lamp-chimneys—what does he get for you?

There are common glass and tough glass, tough against heat. There are foggy and clear. There are rough and fine. There are carefully made and hap-hazard.

You can't be an expert in chimneys; but this you can do. Insist on Macbeth's "pearl top" or "pearl glass" which ever shape you require. They are right in all those ways; and they do not break from heat, not one in a hundred.

Be willing to pay a nickel more for them.

Pittsburg. GEO. A. MACBETH & CO.

A dispatch from Guatemala says a plan has been discovered to annex Guatemala to the United States. Some of the most prominent officials of that country and the principal coffee planters are interested.

For a troublesome cough there is nothing better than Chamberlain's Cough Remedy. It strengthens the pulmonary organs, allays any irritation and effectually cures the cough. It is especially valuable for the cough which so often follows an attack of the grip. For sale by Mrs H. J. Peto.

The course of study for the territorial university is nearly prepared by Professor Townley of Michigan, the lately arrived entomologist, and Professor Comstock of the Texas geological survey, who will have charge of the school of mines.—Citizen.

Merit Wins.

We desire to say to our citizens that for years we have been selling Dr King's New Discovery for Consumption, Dr. King's New Life Pills, Bucklen's Arnica Salve and Electric Bitters, and have never handled remedies that sell as well, or that have given such universal satisfaction. We do not hesitate to guarantee them every time, and we stand ready to refund the purchase price, if satisfactory results do not follow their use. These remedies have won their great popularity purely on their merits. J. Youngs Druggist.

In New York to-day silver was quoted at 97½; lead, \$4.65; and copper, \$13.00

Highest of all in Leavening Power.—Latest U. S. Gov't Report.

Royal Baking Powder

ABSOLUTELY PURE

FOR SALE EVERYWHERE.